

In the Matter of Merchant Mariner's Document Number Z-555912-D1
Issued to: FREDERICK COLDWELL

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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FREDERICK COLDWELL

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations Sec. 137.11-1.

On 10 September, 1951, an Examiner of the United States Coast Guard at Honolulu, T.H., revoked Merchant Mariner's Document No. Z-555912-D1 issued to Frederick Coldwell upon finding him guilty of misconduct based upon a specification alleging in substance that while serving as fireman-watertender on board the American SS CLYDE L. SEAVEY under authority of the document above described, on or about 17 August, 1951, while said vessel was at sea, he wrongfully had in his possession a quantity of narcotic drugs; to wit, marijuana. Appellant was tried jointly with two other seamen who were charged with similar specifications.

At the hearing, Appellant was given a full explanation of the nature of the proceedings, the rights to which he was entitled and the possible results of the hearing. Although advised of his right to be represented by an attorney of his own selection, Appellant voluntarily elected to waive that right and act as his own counsel. He entered a plea of "guilty" to the charge and specification proffered against him.

Thereupon, the Investigating Officer and Appellant made their opening statements. The Customs Agent in Charge testified in mitigation in behalf of the persons charged stating that the three men had acquired the marijuana because of the easy access to it in India and out of curiosity due to the recent publicity in the United States about marijuana. He added that the men had not intended to smuggle it into the United States but to use it aboard ship; and that since these men are first offenders who are not likely to be repeaters, they should not be deprived of their livelihood at sea.

At the conclusion of the hearing, the Examiner announced his findings and concluded that the charge had been proved by plea. He then entered the order revoking Appellant's Merchant Mariner's Document No. Z-555912-D1 and all other licenses, certificates of service and documents issued to this Appellant by the United States Coast Guard or its predecessor authority.

This appeal is a plea for clemency stating that Appellant has followed this occupation since he was sixteen years old in 1944; that he has never before been

logged or in any kind of trouble; that there are hundreds of seamen who have caused serious damage to machinery and persons around them without being punished for their negligence; and that this serious mistake by Appellant was committed in a moment of weakness. It is requested that the order be made probationary or modified to a suspension for one year.

Based upon my examination of the record submitted, I hereby make the following

FINDINGS OF FACT

On 17 August, 1951, Appellant was serving as fireman-watertender on board the American SS CLYDE L. SEAVEY and acting under authority of his Merchant Mariner's Document No. Z-555912-D1 while the ship was at sea prior to entering the port of Honolulu.

On this date during a routine search of the vessel for contraband, a quantity of marijuana cigarettes was found in Appellant's locker. Appellant admitted ownership and stated that he had purchased the cigarettes from a native peddler while the ship was in Calcutta, India, on 28 July, 1951.

OPINION

The basic reason for the policy of the Coast Guard in revoking seamen's documents when it has been proven that they were associated, in any manner, with narcotics aboard ship is the possible danger to the crew, passengers, ship and her cargo, when narcotics are used aboard ship. In a report made by Doctor Pablo O. Wolff, a member of the Expert Committee on Habit Forming Drugs of the World Health Organization, he states that " * * * marijuana, a drug of the Old as of the New World, has been closely associated since the most remote time with insanity, crime, violence, and brutality." He also points out that although marijuana does not create a regular addiction in the sense of physical dependency, there is a very strong psychic dependency and "the subject is prone to show almost irresistible desires to obtain the drug."

The Customs Agent testified that Appellant not only intended to smoke the marijuana cigarettes aboard ship rather than smuggle them into the United States but that he "would probably go back to smoking some more, according to his own testimony that he liked it and got a thrill out of it." These are among the strongest possible circumstances which would dictate against the consideration of any modification of the order imposed despite Appellant's previously unblemished record. Therefore, the order of revocation must be sustained.

ORDER

The Order of the Examiner dated 10 September, 1951, should be, and it is, AFFIRMED.

A.E. Richmond
Rear Admiral, United States Coast Guard
Acting Commandant

Dated at Washington, D.C., this 4th day of January, 1952.